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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,326

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Ryuzo Tamayama

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7590

12/02/2004

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EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,326

Applicant(s)

TAMAYAMA, RYUZO

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The applicant has cancelled claim 1, therefore the previous rejection of claim 1 is moot. The applicant has amended claims 2 and 3.
2. Applicant's arguments, filed 7/6/2004 with respect to the rejection(s) of claim(s) 2 and 3 under 102 (a) and 103 (b) respectively have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the applicant's admitted prior art and Gefvert and 112 rejections asserted by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
 4. Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
- Regarding claim 2, the examiner asserts that applicant has not disclosed "wherein the channel signals of the remaining channels from the switching means are supplied to a television receiver". The applicant has disclosed that the TV receiver (17) receives the digital output from

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a digital surround decoder (14) (page 9 of specification, lines 1-4). The examiner did not find in the specification where the claimed language recited above is disclosed.

5. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, there are two switching means (21 and 22). Switching means, 21, switches and outputs digital data before being amplified from the digital surround decoder (page 7, lines 2-9) and switching means, 22, switches and outputs analog signals amplified by the power amplifier (15) (page 7, lines 2-9). The examiner asserts that one switching means that performs both reproducing a predetermined number of channels of the multichannel acoustic signal as claimed and supplying remaining channels to a receiver as claimed is not disclosed. There are two switching means that perform each perform one function.

Claim Rejections - 35 USC § 103

6. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (Figures 6A, 6B; Description of Related Art) in view of Gefvert (U.S. Patent 5,533,129) in further view of Endoh et al. (U.S. Patent 5,896,358).

Regarding **claim 2**, the applicant's admitted prior art (Figures 6A, 6B) discloses a portable housing (3, Figure 6B); left and right speakers separately attached to the portable housing (Figures 6A, 6B), recording and reproducing means arranged in the portable housing capable of recording and reproducing a recording medium (10, Figure 6B); surround decoding means arranged in the portable housing for decoding a multi-channel acoustic signal from the recording

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and reproducing means to produce surround phonic sound (14, Figure 6B); control means for controlling the recording and reproducing means, the surround decoding means (Figure 6B). The applicant's admitted prior art fails to disclose a center speaker, and a switching means as claimed. However the concept a center speaker arranged in a housing was well known in the art at the time of filing as taught by Gefvert. Gefvert discloses a multi-channel sound reproduction system having a center speaker arranged in a housing. The concept of a switching means in a housing for reproducing a predetermined number of channels was well known in the art as taught by Endoh. Endoh discloses various of switching in order to down-mix with a specific coefficient in the surround mode (Figures 64-68; column 36, lines 28-column 37). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Gefvert's concept of a center speaker arranged in a housing and Endoh's concept of a switching means in order to have a more compact system and to provide the capability of switching speaker arrangements when desired.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER